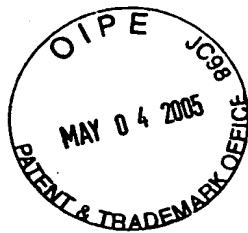


Attorney Docket No. 509/40743  
PATENT



MAY 4 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): . John LaDuc et al Conf. No.: 5848  
Serial No.: 10/726,659 Art Unit: 2636  
Filed: December 4, 2003 Examiner: Trieu, Van Thanh  
For: WDP SETUP DETERMINATION METHOD

AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the official Office Action dated April 15, 2005, applicant has amended the claims as shown on the attached Claim Summary.

Claims 1 through 9, 11, 14, 15, 19 and 20 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent 6,334,654 to Root, et al. Claims 10, 12, 13, 16 through 18 and 21 have been objected to as being directed to allowable subject matter. Claims 16, 18 and 21 have been written in an independent form and therefore are considered allowable, as well as their dependent claims. Rejection of the other claims is hereby traversed.

The invention of claim 1 is a method for determining the configuration of locomotives in a wired distributed power train. The method includes:

- determining consists of adjacent locomotives in the train;
- determining one or more sub-consists of adjacent locomotives which are controlled separately from a preceding adjacent locomotive within the consist;
- determining which locomotives have an available wired distributed power controller;
- assigning a common consist indicator to all adjacent locomotives of a consist if the consist has at least one available wired distributed power controller; and
- assigning a common sub-consist indicator to all locomotives of a sub-consist if the sub-consist has at least one available wired distributed power controller.

Applicant disagrees with the interpretation that Root, et al '654 performs the method steps of claim 1. Root '654 may determine adjacent locomotives in the train since it

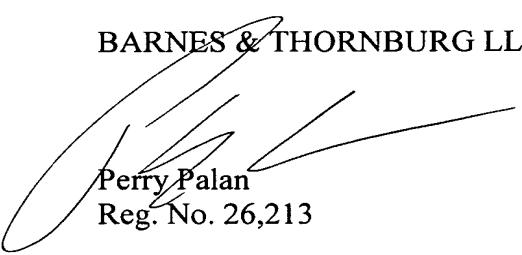
identifies locations of cars and locomotives in the train. Individual locomotives may know what locomotives they control and if the locomotive itself has a wire distributor power controller. But there is no indication whether this is being determined independent of the knowledge of the individual locomotive. Assuming that these first three steps are taught by Root for purposes of argument, the last two steps are not described, taught or obvious in view of Root '654. There is no discussion of assigning a common consist indicator to all locomotives of the consist if the consist has at least one available wire distributor power controller. There is no description of assigning consist indicators. There is also no assigning of a common sub-consist indicator to all locomotives of the sub-consist if the sub-consist has at least one available wire distributor power controller. Thus, Claim 1 is considered allowable over Root, et al.

An earnest attempt has been made to respond fully to the Examiner's rejection and to place the instant application in condition for allowance. Upon review of the claims, it will become evident that they are allowable over the art for the reasons stated above and, thus, passage of this case to issue is respectfully solicited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in any fees be charged, or overpayment in any fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (509/40743).

Respectfully submitted,

BARNES & THORNBURG LLP



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